

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06-CR-00190-RJC

USA

v.

JUSAMUEL RODRIGUEZ

MCCREARY (1)

ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for a reduction of sentence based on Amendment 821 to the United States Sentencing Guidelines relating to status points. (Doc. No. 132).

Part A of the Amendment is retroactive and amended USSG §4A1.1 to limit the impact of status points on criminal history category. USSG §1B1.10(d), comment. (n.7). Here, the defendant's criminal history category was not impacted by status points, but rather determined by the career offender guideline. (Doc. No. 64: Presentence Report ¶45). Accordingly, he is not eligible for relief. USSG §1B1.10 comment. (n.1(A)(ii)) (defendant not eligible for reduction where another guideline provision prevents lowering of guideline range).

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

Signed: June 10, 2024



Robert J. Conrad, Jr.
United States District Judge

